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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,866	07/06/2006	Bruno Jahan	T69.12-0002	5110
27367 7590 12/01/2010 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402				
EXAMINER				
SHAI, TANMAY K				
ART UNIT		PAPER NUMBER		
2611				
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12/01/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/564,866

**Applicant(s)**

JAHAN ET AL.

**Examiner**

TANMAY K. SHAH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15, 17 - 28 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 17 - 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/24/10 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 15 and 17 - 28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15, 17 - 19, 21 - 25 and 27 - 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Magee (US 2003/0086508).

Regarding claim 15, Process for estimating a propagation channel formed by successive symbols of a multi-carrier signal, each symbol comprising at least one reference pilot and a plurality of frequencies carrying data, the process comprising:

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extracting said at least one reference pilot present in each of said symbols; and for each of said symbols **(the channel estimator 20 is present to provide the impulse response of the communication channel during each data burst. The channel estimator 20 extracts pilot tones, page 2, paragraph 23):**

obtaining a first estimate of said propagation channel, by time/frequency interpolation on said extracted at least one reference pilot **(the channel estimator 20 extracts pilot tones (e.g., training tones) from the frequency domain signal and then performs an IFFT to get the channel impulse response (first estimate) for a data burst, page 2, paragraph 23, The current impulse response is zero padded at 712. Frequency domain interpolation is performed at 714 by computing a FFT of the current channel impulse response, paragraph 77):**

independently correcting each of said at least one reference pilot, in phase and amplitude, and as a function of said first estimate, to output a corrected pilot with phase and amplitude correction **(The channel estimator 20 may provide additional corrections, based on known channel responses at the training tones, to the impulse response, such as amplitude and phase corrections, the process s performed for each burst separately (so it is independent)), said correction step including a step to calculate an amplitude and phase error vector for each of said at least one reference pilot (i.e. **offset vector**, please refer to Fig. 6 for additional steps); and**

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obtaining a second estimate of said propagation channel, by analysis of said corrected pilot (**The channel estimator zero pads the channel impulse response and performs a FFT on the channel impulse response to provide a frequency domain response commonly referred to as the channel estimate, page 2, paragraph 23**).

Claim 16, cancelled.

Regarding claim 17, Process for estimating a propagation channel according to claim 15, wherein the said error vector calculation step includes averaging of a set of error vectors obtained on at least one symbol (**the channel impulse response is compared to a previous channel impulse response or an average channel impulse response to form a phase offset vector, page 1, paragraph 9**).

Regarding claim 18, Process for estimating a propagation channel according to claim 17, wherein the said averaging is calculated on each symbol (**the channel impulse response is compared to a previous channel impulse response or an average channel impulse response to form a phase offset vector, page 1, paragraph 9, the process is performed for each burst**).

Regarding claim 19, Process for estimating a propagation channel according to claim 17, wherein said set of error vectors only includes error vectors that satisfy at least one predetermined quality criterion (**i.e. phase angel (considered a quality criteria for phase correction), paragraph 24**).

Regarding claim 21, Process for estimating a propagation channel according to claim 15, wherein said second estimate includes an equalisation step that depends on the first estimate (**the channel impulse response is compared to a previous channel impulse response or an average channel impulse response to form a phase offset vector, page 1, paragraph 9**).

Regarding claim 22, Process for estimating a propagation channel according to claim 21, wherein said equalisation step is performed on all carrier frequencies of each of said symbols (**the process is performed in frequency domain for all symbols, so it is for all carrier frequencies**).

Regarding claim 23, Process for estimating a propagation channel according to claim 21, wherein the process comprises a step after said equalisation step to calculate a pulse response of the propagation channel as a function of the at

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least one reference pilot equalized by the equalization step (**the channel impulse response is compared to a previous channel impulse response or an average channel impulse response to form a phase offset vector, page 1, paragraph 9, the process is performed for each burst**), for refining synchronisation of receivers in time (**phase and amplitude correction makes the signal synchronized**).

Regarding claim 25, the process for estimating propagation channel according to claim 17, 17, wherein said correction step of the at least one reference pilot also includes a final step to correct all equalised useful carriers taking account of an average value obtained as a result of said averaging (**The channel estimator zero pads the channel impulse response and performs a FFT on the channel impulse response to provide a frequency domain response commonly referred to as the channel estimate, page 2, paragraph 23**).

Regarding claim 27, the device has substantially same limitations as claim 15, thus the same rejection is applicable.

Regarding claim 28, the device has substantially same limitations as claim 15, thus the same rejection is applicable.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Magee (US 2003/0086508) in further view of Zhang (US 2003/0112655).

Regarding claim 20, Magee discloses process for estimating a propagation channel according claim 16, however does not specifically disclose preliminary step in which the said pilots with an amplitude less than a first predetermined minimum average threshold and/or greater than a second predetermined maximum average threshold are rejected.

Zhang discloses preliminary step in which the said pilots with an amplitude less than a first predetermined minimum average threshold and/or greater than a second predetermined maximum average threshold are rejected (**i.e. the predetermined minimum energy threshold 136 therefore only rejects some of the non-speech audio in this example, page 3, paragraph 113**).



It would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Magee with Balaban. One would be motivated to combine these teachings because in doing so it will provide the presence of absence of a valid signal needed in the system.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Magee (US 2003/0086508) in further view of Fujji et al. (EP 1542384).

Regarding claim 26, Magee teaches Process for estimating a propagation channel according to claim 15, However does not specifically disclose further comprising using the process for correction of at least one phase and/or amplitude error common to two cells in a same OFDM Orthogonal Frequency Division Multiplex) type symbol.

Fujji teaches using the process for correction of at least one phase and/or amplitude error common to two cells in a same OFDM Orthogonal Frequency Division Multiplex) type symbol **(Consequently, in an environment in which identical channel interference is also received from other cells, as in OFDM-CDMA, the known signal also is influenced by identical channel interference and a problem which arises is a decline in phase -error detection precision ascribable to carrier frequency offset, page 7, col 1 - 7).**

It would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Magee with Fujji. One

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would be motivated to combine these teachings because in doing so it will provide estimation error in each cell and can correct the error in each cell.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANMAY K. SHAH whose telephone number is (571)270-3624. The examiner can normally be reached on Mon-Thu (7:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/TANMAY K SHAH/

Examiner, Art Unit 2611

/David C. Payne/

Supervisory Patent Examiner, Art Unit 2611